The decision rests entirely upon the construction given to the code provision regarding civil rights, as the federal civil rights act (Act March 1, 1875, c. 114, 18 Stat. 335—U. S. Comp. St. 1901, p. 1259—1 Fed. St. Ann. 805) has been held unconstitutional in so far as it assumed to regulate such matters in the state, and as unwarranted either by the thirteenth or fourteenth amendments to the Constitution. *Civil Rights Cases,* 109 U. S. 3, 3 Sup. Ct. 18, 27 L. Ed. 835. §5008 of the Iowa Code, 1897, provides: "All persons within this state shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, chophouses, eating houses, lunch counters and all other places where refreshments are served, public conveyances, barber shops, bath houses, theaters and all other places of amusements," and makes a violation of this provision a misdemeanor. This statute is based upon the police power of the state, *People* v. *King,* 110 N. Y. 418, 18 N. E. 245, 1 L. R. A. 293, 6 Am. St. Rep. 389; *Greenburg* v. *Western Turf Ass'n,* 148 Cal. 126, 82 Pac. 684, 113 Am. St. Rep. 216, and is to be strictly construed because of its penal character. It applies only to public places, and since the defendant's booth was rented for a private enterprise, the advertising of certain coffee, it did not partake of the public nature of the entire show of which it formed a part. The Grocers' Assoc'n invited the public to attend the food show by advertisements in the daily press, and charged a fee which admitted all persons to the hall in which the food show was held. The court remarks, with a quiet trace of humor, that in refusing to serve the coffee the defendant did not in any way deprive the plaintiff of any amusement, unless the coffee was so vile as to stimulate hilarity, and this was not claimed. The rule of "ejusdem generis" is applied in construing "other places where refreshments are served," and thus limits the application of that clause to the class which preceded it. This is the general rule of construction. *State* v. *Eno,* 131 Ia. 619, 109 N. W. 119; *McBride* v. *R. R.,* 134 Ia. 398, 109 N. W. 618. Such a clause has been held not to apply to a soda fountain, or to a saloon. *Rhone* v. *Loomis,* 74 Minn. 204, 77 N. W. 31; *Keller* v. *Koerber,* 61 Oh. St. 388, 55 N. E. 1002; *Cecil* v. *Green,* 161 Ill. 265, 43 N. E. 1105, 32 L. R. A. 566. So also a barber shop has been held to be not a "place of public accommodation." *Faulkner* v. *Solazzi,* 79 Conn. 541, 65 Atl. 947, 9 L. R. A. (N. S.) 601, 9 Am. & Eng. Ann. Cases 67, Note p. 69. The minority opinion regards the "show" as an entity, its unity not in any manner being destroyed by "the fact that many persons representing many lines of goods participated in the enterprise," and the refusal to serve the plaintiff as a violation both of the letter and the spirit of the statute.

CONSTITUTIONAL LAW — INEQUALITY — CLASSIFICATION — CHILD LABOR.— Action by a manufacturing company against an insurance company to enforce a contract to indemnify the manufacturer for loss occasioned by injury to an employee who was only eleven years old and who was employed contrary to a state statute providing: that no proprietor or owner of any mill or factory, other than the establishments engaged in the manufacture of canned goods, shall employ any person or persons under fourteen years of age, unless such child be the only support of a widowed mother, invalid father, or depends

solely upon such employment for his self-support. *Held,* the act is constitutional as an exercise of police power. *Mt. Vernon Woodberry Cotton Duck Co.* v. *Frankfort Marine Accident & Plate Glass Ins. Co.* (1909), — Md. —, 75 Atl. 105.

The legislature may make regulations for certain parts of the state or for certain classes of citizens so long as that classification is not unreasonable and arbitrary. *Barbier* v. *Connolly,* 113 U. S. 27, 5 Sup. Ct. 357, 28 L. Ed. 923; *L'Hote* v. *New Orleans,* 177 U. S. 587, 20 Sup. Ct. 788, 44 L. Ed. 899; *Missouri v. Lewis,* 101 U. S. 22, 25 L. Ed. 989; *State* v. *Broadbelt,* 89 Md. 565, 43 Atl. 771, 45 L. R. A. 433, 73 Am. St. Rep. 201; *Re Jacobs,* 98 N. Y. 98; *People* v. *Gillson,* 109 N. Y. 389. In matters regulating the employment of children the legislature has large discretion and unless the decision be unreasonable it is no ground for judicial interference. *Ex parte Weber,* 149 Cal. 392, 86 Pac. 809. Where length of hours in mines was in question the court said that where the legislature had found it detrimental to health and as long as grounds are reasonable the decision cannot be reviewed by the federal courts. *Holden* v. *Hardy,* 169 U. S. 395, 18 Sup. Ct. 389, 42 L. Ed. 780. Under an exercise of police power the enactment must have reference to the comfort, safety, or the welfare of society and it must not conflict with society. *Long* v. *State,* 74 Md. 565, 12 L. R. A. 425; COOLEY, CONST. LIM., Ed. 6, Chap. 16.

CONSTITUTIONAL LAW—LIMITATIONS ON THE TAXING POWER—CONVICT-MADE GOODS—EQUAL PROTECTION OF LAWS.—The relator, a resident storekeeper of New York, was arrested for an alleged violation of the labor law of the state (§ 190, Chap. 31, Consol. Laws; Chap. 36, Laws 1909) requiring, in substance, the obtaining of a license of five hundred dollars and bond of five thousand dollars, by any one selling or exposing for sale any convict-made goods; also, that a copy of the names of all prisons, wardens, etc., with whom such persons deal to be filed with the secretary of state, and all goods be branded and labeled as convict-made, under penalty of fine or imprisonment or both. Relator had exposed for sale and sold shirts made in Illinois Penitentiary, Joliet, Ill. *Held,* the law is unconstitutional, as violating the fourteenth amendment. *People ex rel. Phillips* v. *Raynes* (1910), 120 N. Y. Supp. 1053.

Commerce among states cannot be said to be free when a commodity is by reason of its foreign manufacture subjected by a state legislature to discriminating regulations or burdens. *People* v *.Hawkins,* 20 App. Div. 494, 47 N. Y. Supp. 56, affirmed 157 N. Y. 1, 51 N. E. 257, 42 L. R. A. 490, 68 Am. St. Rep. 736. The taxing power may be extended to all kinds of property in the state or limited to certain kinds or area. *Gordon* v. *Cornes,* 47 N. Y. 608; *Genet* v. *City of Brooklyn,* 99 N. Y. 296, 1 N. E. 777. Persons and property may be classified for taxation, but such classification may not be arbitrary, unreasonable or capricious. *Matter of Pell,* 171 N. Y. 48, 63 N. E. 789, 57 L. R. A. 540, 89 Am. St. Rep. 791. Equal protection of laws requires that the same means and methods be applied impartially to all the constituents of each class, so that the laws may operate equally and uniformly upon all persons in similar circumstances. *Kentucky Railroad Tax Cases,* 115 U. S. 321, 337, 6 Sup. Ct.